



~~August 21, 2007 CPC~~
~~September 18, 2007 CPC~~
October 24, 2007 BS

STAFF'S
REQUEST ANALYSIS
AND
RECOMMENDATION

07SN0365

Amberleigh LLC

Clover Hill Magisterial District
Providence Elementary; Providence Middle; and Clover Hill High School Attendance Zones
North line of Hull Street Road

REQUEST: Rezoning from Residential Townhouse (R-TH) to Residential Townhouse (R-TH) with Conditional Use Planned Development to permit exceptions to Ordinance requirements.

PROPOSED LAND USE:

Residential and commercial uses are planned, with a maximum of fifty (50) dwelling units.

PLANNING COMMISSION RECOMMENDATION

RECOMMEND APPROVAL AND ACCEPTANCE OF THE PROFFERED CONDITIONS ON PAGES 2 THROUGH 4.

AYES: MESSRS. GECKER, GULLEY, BASS AND WILSON.
ABSENT: MR. LITTON

STAFF RECOMMENDATION

Recommend denial for the following reasons:

- A. While the residential uses comply with the Route 60 Corridor Plan, commercial uses fail to comply with the Plan.

- B. The proposal fails to provide an adequate transition between the residential and commercial areas and reserve the typical focal point open space area at the projects entrance.

(NOTE: CONDITIONS MAY BE IMPOSED OR THE PROPERTY OWNER(S) MAY PROFFER CONDITIONS. THE CONDITIONS NOTED WITH "STAFF/CPC" WERE AGREED UPON BY BOTH STAFF AND THE COMMISSION. CONDITIONS WITH ONLY A "STAFF" ARE RECOMMENDED SOLELY BY STAFF. CONDITIONS WITH ONLY A "CPC" ARE ADDITIONAL CONDITIONS RECOMMENDED BY THE PLANNING COMMISSION.)

PROFFERED CONDITIONS

- (CPC) 1. Master Plan. In addition to the following conditions, the Conceptual Plan prepared by Balzer and Associates, Inc., dated May 14, 2007 and revised July 21, 2007, entitled "Amberleigh Section 4 Conceptual Plan," and the Textual Statement dated May 14, 2007 and revised August 10, 2007, shall be considered the Master Plan. (P)
- (CPC) 2. The public water and wastewater systems shall be used. (U)
- (CPC) 3. Cash Proffer. The applicant, subdivider, or assignee(s) shall pay the following, for infrastructure improvements within the service district for the property, to the county of Chesterfield prior to the issuance of building permit:
- A. \$15,600.00 per dwelling unit, if paid prior to July 1, 2007; or
 - B. If paid after June 30, 2007, the amount approved by the Board of Supervisors not to exceed \$15,600.00 per dwelling unit adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2006, and July 1 of the fiscal year in which the payment is made.
 - C. Cash proffer payments shall be spent for the purposes proffered or as otherwise permitted by law.
 - D. Should any impact fees be imposed by the County of Chesterfield at any time during the life of the development that are applicable to the property, the amount paid in cash proffers shall be in lieu of or credited toward, but not be in addition to, any impact fees, in a manner determined by the County. (B&M)
- (CPC) 4. Timbering Restriction. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance

permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)

- (CPC) 5. Drainage. All portions of the developed project area that drain directly or indirectly to Gregory's Pond shall not opt out of the Chesapeake Bay Act requirements. In addition, to the extent practical, drainage will be diverted away from Gregory's Pond. (EE)
- (CPC) 6. Existing Pond. The existing pond will remain in place and upgraded, if necessary, to meet current hydraulic and structural standards. (EE)
- (CPC) 7. Driveway Culvert. The developer proffers that the dam will be retrofitted to store and release water, or do offsite improvements or a combination of both such that the 100 year storm does not over top the driveway to GPIN #751-688-3743 or come within 5 feet horizontally of the house on GPIN #751-688-7679. (EE)
- (CPC) 8. Office/Commercial Building Size Restriction. Other than one (1) single C-3 user (excluding any use permitted by right or with restrictions in the O-1 District) which may not exceed 60,000 gross square feet, no other individual C-3 user (excluding any use permitted by right or with restriction in the O-1 district) shall exceed 20,000 gross square feet. Individual buildings shall not exceed 15,000 gross square feet unless such building is designed to incorporate a variety of off-sets, other architectural variations or other features so as to avoid monotonous facades and bulky masses. (P & BI)
- (CPC) 9. Recreation. The common area recreational amenities shall not include playground equipment, play fields or other facilities primarily associated with children's play. Adult facilities including, but not limited to, swimming pools, putting greens or shuffleboard shall be permitted. (P)
- (CPC) 10. Construction Activity. Until such time as the project is fully developed and all initial occupancy permits have been granted, all exterior construction activity shall be limited to between the hours of 6:00 am and 9:00 pm. This condition shall not preclude interior construction activity once the structure is enclosed by walls and a roof. (P)
- (CPC) 11. Driveways. All private driveways shall be hardscaped. (P)
- (CPC) 12. Garages. All homes shall have garages. Front loaded garages shall be located no closer to the street than the front facade of the dwelling unit. (P & BI)

- (CPC) 13. Access. There shall be no direct vehicular access or driveways from the property to Hull Street Road or Ladino Lane, except that an emergency service access may be allowed if approved by VDOT. (T & F)
- (CPC) 14. Special Access Street. In conjunction with the recordation of the initial subdivision plat, prior to any site plan approval or within ninety (90) days of a written request by the Transportation Department, which ever comes first, a right of way through the property for a special access street (“Amberdale Drive Extended”) shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. The exact location and width of this right of way shall be approved by the Transportation Department. Prior any site plan or to tentative subdivision plan approval, an Access Plan for Amberdale Drive Extended shall be submitted to and approved by the Transportation Department. (T)
- (CPC) 15. Transportation Improvements. The Developer shall be responsible for the construction of two (2) lanes of Amberdale Drive Extended through the property and dedication of any additional right of way (or easements) required for these improvements. Prior to any site plan or construction plan approval a phasing plan for these improvements shall be submitted to and approved by the Transportation Department. (T)
- (CPC) 16. Public Roads. All roads within the property that accommodate general traffic circulation, as determined by the Transportation Department, (not including alleys or private parking areas) shall be designed and constructed to VDOT standards and taken into the State System. (T)
- (CPC) 17. Residential Density. The density of the residential portion of the property shall be limited to fifty (50) dwelling units. (P)
- (CPC) 18. Screening. A brick wall that separates the commercial and residential areas shall be provided on the north side of the Special Access right of way and shall be of the same design and materials as the existing wall in Amberleigh. The exact design, location and treatment shall be approved at time of site plan and/or tentative subdivision approval. (P)
- (CPC) 19. Tentative Review. All tentative subdivision plans shall be submitted for review and approval by the Planning Commission. (P)
- (CPC) 20. Non-Pond drainage. The developer shall design and construct the subdivision such that water from impervious surfaces flowing towards Tax ID # 751-688-3743, that are areas that do not naturally drain to the pond, shall be redirected, or detained such that it does not exceed the pre-existing rate of the 10 year storm. (EE)

GENERAL INFORMATION

Location:

Fronts the north line of Hull Street Road, west of Amberleigh Boulevard. Tax IDs 751-687-3263, 6434 and 6883.

Existing Zoning:

R-TH with Conditional Use Planned Development

Size:

17.7 acres

Existing Land Use:

Vacant

Adjacent Zoning and Land Use:

North - A; Single family residential or vacant
South - A and O-2; Single family residential, public/semi-public or vacant
East - R-TH & C-3 with CUPD; Single family residential, commercial or vacant
West - RTH with CUPD; Single family residential or vacant

UTILITIES

Public Water System:

There is an existing twenty-four (24) inch water line extending along the north side of Hull Street Road, adjacent to the request site. In addition, an eight (8) inch water line extends along Amberdale Drive, in the existing Amberleigh development, and terminates adjacent to the eastern boundary of this site. The applicant has proffered to use the public water system. (Proffered Condition 2)

Per Utilities Department Design Specifications (DS-21), wherever possible, two (2) supply points shall be provided for subdivisions containing more than twenty-five (25) lots. Tie-ins to the existing twenty-four (24) inch water line as well as the existing eight (8) inch water line may be required.

Public Wastewater System:

There is an existing ten (10) inch wastewater trunk line extending within an easement across the northern portion of the Amberleigh development, adjacent to Gregory's Pond, approximately 625 feet east of this site. In addition, there is an existing eight (8) inch wastewater collector line terminating in Amberdale Drive approximately 180 feet east of the request site. The applicant has proffered to use the public wastewater system. (Proffered Condition 2)

In conjunction with the development of this site, extension of the wastewater trunk line will be required to the western most boundary of the request site. This line must be installed at a depth adequate to relieve through future development, the existing private wastewater pump station serving Rockwood Plaza.

ENVIRONMENTAL

Drainage and Erosion:

The subject parcels for re-zoning drain to the north with approximately half the property draining through an existing pond on the property and the other half drains via some small channels to Gregory's Pond. There are currently no known on- or off-site erosion problems and none are anticipated after development.

There are no known on-site drainage problems, however, there is an old pond located on the property that should remain and, if necessary, upgraded to meet current day standards. (Proffered Condition 6)

Off-site, the drainage from this property will drain under a driveway to a house with only one (1) access and then very close to an existing structure prior to entering Gregory's Pond. These two (2) drainage concerns are addressed by Proffered Condition 7.

Further, to address a concern of an adjacent property owner to the north, Proffered Condition 20 requires that runoff from impervious areas to that adjacent property be redirected or retained to not exceed the pre-development rate.

The property is currently wooded and, as such, should not be timbered without obtaining a land disturbance permit from the Department of Environmental Engineering. (Proffered Condition 4)

The stream to the north that flows through the property and into the pond is a perennial stream and, as such, is subject to a 100 foot conservation area inside of which uses are very limited.

Water Quality

The stream to the north that flows through the property and into the pond is a perennial stream and, as such, is subject to a 100 foot conservation area inside of which uses are very limited.

PUBLIC FACILITIES

The need for schools, parks libraries, fire stations and transportation facilities is identified in the Public Facilities Plan, the Thoroughfare Plan and the Capital Improvement Program and further detailed in by specific departments in the applicable sections of this request analysis.

Fire Service:

The Public Facilities Plan indicates that fire and emergency medical service (EMS) calls are expected to increase 44 to 78 percent by 2022. Six (6) new fire/rescue stations are recommended for construction by 2022 in the Plan. In addition to the six new stations, the Plan also recommends the expansion of five (5) existing stations.

Based on fifty (50) dwelling units, this request will generate approximately seven (7) calls for fire and emergency medical service each year. The applicant has addressed the impact on fire and EMS (Proffered Condition 3).

The Manchester Fire Station, Company #20 and Manchester Volunteer Rescue Squad currently provide fire protection and emergency medical service. When the property is developed, the number of hydrants, quantity of water needed for fire protection, and access requirements will be evaluated during the plans review process.

Proffered Condition 13 limits access to Hull Street Road and Ladino to emergency vehicle access only. The Subdivision Ordinance requires the provision of a second public road access to all dwellings when the cumulative total of lots exceeds fifty (50) lots. An emergency access is not a substitute for a second public road access. As such, acceptance of Proffered Condition 13 does not relieve the development of this requirement. No waiver to this Subdivision Ordinance requirement is requested with this application. If a waiver is sought during plans review, the Fire Department would not support an emergency access to replace a second public road access. The Fire Department supports making public road connections because interconnectivity should improve public safety response times to residents by providing multiple means of access.

Schools:

Approximately twenty-seven (27) students, (Elementary: 11, Middle: 7, and High: 9), will be generated by this development.

Currently, this site lies in the Providence Elementary School attendance zone: capacity - 687, enrollment – 574; Providence Middle School zone: capacity - 1,089, enrollment -

926; and Clover Hill High School zone: capacity - 1,582, enrollment - 1,593. The enrollment is based on September 29, 2006, and the capacity is as of 2006-2007.

This request will have an impact on the high school. There are currently three (3) trailers at Providence Middle and eleven (11) trailers at Clover Hill High. A new Clover Hill High School will open in the fall of 2010.

This case, combined with other tentative residential developments and zoning cases in the area, would continue to push these schools to capacity. This case could necessitate some form of relief in the future. The applicant has addressed the impact of the development on schools with Proffered Condition 3a.

Libraries:

Consistent with the Board of Supervisors' Policy, the impact of development on library services is assessed county-wide. Based on projected population growth, the Chesterfield County Public Facilities Plan (2004) identifies a need for additional library space throughout the County. Development of the property noted in this case would most likely affect the existing La Prade Library or a proposed new library in the Reams/Gordon area. The applicant has offered measures to assist in addressing the impact of this development on libraries. (Proffered Condition 3)

Parks and Recreation:

The Public Facilities Plan identifies the need for three (3) new regional parks, seven (7) community parks, twenty-nine (29) neighborhood parks and five (5) community centers by 2020. In addition, the Public Facilities Plan identifies the need for ten (10) new or expanded special purpose parks to provide water access or preserve and interpret unique recreational, cultural or environmental resources. The Plan identifies shortfalls in trails and recreational historic sites.

This request will have an impact on parks and recreational facilities. The applicant has offered measures to assist in addressing the impact of this development on these facilities. (Proffered Condition 3)

Transportation:

The property (approximately 18 acres) is currently zoned Agricultural (A) and the applicant is requesting rezoning that would permit a mixture of commercial and residential uses, similar to the existing Amberleigh development. Based on shopping center and townhouse trip rates, development of the property could generate approximately 4,300 average daily trips (ADT). These vehicles will be distributed along Hull Street Road (Route 360), which had a 2006 traffic count of 39,917 vehicles per day between Courthouse Road and Walmsley Boulevard. Route 360 in this location is a six-lane divided highway that accommodates (Level of Service D) the volume of traffic it currently carries.

The Thoroughfare Plan identifies a proposed collector (“Amberdale Drive Extended”) that extends west from the current terminus of Amberdale Drive to align with Oxbridge Road. The applicant has proffered to dedicate right-of-way for Amberdale Drive Extended through the property in accordance with this Plan. (Proffered Condition 14)

The Thoroughfare Plan identifies Route 360 as a major arterial. Access to major arterials, such as Route 360, should be controlled. The applicant has proffered that there will be no direct vehicular access from the property to Route 360, except for emergency vehicle access as approved by VDOT (Proffered Condition 13). The property also has access to Ladino Lane. Ladino Lane is a gravel road and cannot handle additional traffic without significant improvements. The applicant has proffered that access from the property to Ladino Lane will be limited to emergency vehicles only, as approved by VDOT. (Proffered Condition 13)

There is one existing private driveway on the property that serves several parcels to the north. When the property is developed, this driveway will have to be relocated and an easement may need to be recorded across the property to maintain access to these parcels.

The Zoning Ordinance allows streets within townhouse developments to be privately maintained. Staff recommends that all of the main streets within this project be accepted into the State Highway System. Having these streets accepted into the State Highway System will ensure their long-term maintenance. The applicant has proffered that all streets within the development will be designed and constructed to State (i.e., the Virginia Department of Transportation) standards and taken into the State System. (Proffered Condition 15)

The traffic impact of this development must be addressed. The applicant has proffered to construct two (2) lanes of Amberdale Drive extended through the property. (Proffered Condition 15)

Area roads need to be improved to address safety and accommodate the increase in traffic generated by this development. The applicant has proffered to contribute cash, in an amount consistent with the Board of Supervisors’ Policy, towards mitigating the traffic impact of this development (Proffered Condition 13). Cash proffers alone will not cover the cost of the road improvements needed in this area. The only project in the area involves construction of a free-flow right-turn lane on Courthouse Road to Route 360 westbound. VDOT is managing the project and a pre-scoping meeting was held in November 2005. VDOT anticipates the project will be under construction in Summer 2010.

VDOT’s “Chapter 527” regulations, dealing with development Traffic Impact Study requirements, have recently been enacted. Staff has been meeting with VDOT to attempt to understand the process and the impact of the regulations. At this time, it is uncertain what impact VDOT’s regulations will have on the development process or upon zonings approved by the county.

Financial Impact on Capital Facilities:

		PER UNIT
Potential Number of New Dwelling Units	50.0*	1.00
Population Increase	136.00	2.72
Number of New Students		
Elementary	11.65	0.23
Middle	6.50	0.13
High	8.45	0.17
TOTAL	26.60	0.53
Net Cost for Schools	\$267,400	5,348
Net Cost for Parks	30,200	604
Net Cost for Libraries	17,450	349
Net Cost for Fire Stations	20,250	405
Average Net Cost for Roads	447,100	8,942
TOTAL NET COST	\$782,400	\$15,648

* Based on a proffered maximum of fifty (50) dwelling units (Proffered Condition 17). The actual number of dwelling units and corresponding impact may vary.

As noted, this proposed development will have an impact on capital facilities. Staff has calculated the fiscal impact of every new dwelling unit on schools, roads, parks, libraries, and fire stations at \$15,648 per unit. The applicant has been advised that a maximum proffer of \$15,600 per unit would defray the cost of the capital facilities necessitated by this proposed development. Consistent with the Board of Supervisors' policy and proffers accepted from other applicants, the applicant has offered cash to assist in defraying the cost of this proposed zoning on such capital facilities. (Proffered Condition 3)

Note that circumstances relevant to this case, as presented by the applicant, have been reviewed and it has been determined that it is appropriate to accept the maximum cash proffer in this case.

LAND USE

Comprehensive Plan:

Lies within the boundaries of the Route 360 Corridor Plan which designates the property as a mixed use corridor where a mixture of residential developments, up to six (6) dwelling units per acre, incorporating high quality architectural features and site amenities and using cluster designs to maintain open space, corporate office uses, church

public facilities and other uses with similar impacts are appropriate. In addition, the Plan suggests convenience commercial uses (C-1 District uses) may be appropriate only when these uses are located internally to a residential or office project, not along any road on the periphery of the project, and primarily for the convenience of those employed or residing in the project. The purpose of the Plan is to discourage typical strip commercial development along Route 360 and to encourage commercial uses to be located within nodes at major intersections.

Area Development Trends:

Properties to the north are zoned Agricultural (A) and are occupied by single family residential uses on large acreage parcels or are vacant. Properties to the south are zoned Corporate Office (O-2) and Agricultural (A) and are occupied by single family residential uses on acreage parcels, a church, or are vacant. Properties to the east are zoned Residential Townhouse (R-TH) and Community Commercial (C-3) with Conditional Use Planned Development and are occupied by single family residential and commercial use within the Amberleigh development or are vacant. Properties to the west are zoned Residential Townhouse (R-TH) with Conditional Use Planned Development and are occupied by single family residential use on acreage parcels or are vacant. It is anticipated that a mixture of office and residential uses will develop in the area as suggested by the Plan.

Zoning History:

On November 21, 2006, the Board of Supervisors, upon a favorable recommendation from the Planning Commission, approved rezoning of 28.9 acres, which included the 17.7 acre subject property, from Agricultural (A) and Corporate Office (O-2) to Residential Townhouse (RTH) with Conditional Use Planned Development (Case 06SN0194) to permit exceptions to Ordinance requirements. A residential development with a maximum of 121 attached and detached dwelling units was planned on lots with a minimum area of 5,000 square feet. Conditions required sidewalks and trails, street trees, open space, a focal point, enhanced site features, architectural standards, access controls, certain transportation improvements, and setbacks for front-loaded garages.

Site Design:

The 17.7 acre tract proposed for Residential Townhouse (R-TH) zoning with Conditional Use Planned Development may be developed for attached and detached single family residential units on the northern portion of request property with commercial uses permitted along Hull Street Road. The development will have design features which include sidewalks, street trees and open spaces. In addition, development will be generally as depicted on the Conceptual Plan prepared by Balzer and Associates, Inc., last revised July 21, 2007, entitled "Amberleigh Section 4 Conceptual Plan" (Attachment), as described in the Textual Statement (Attachment) and as provided in the proffered conditions.

The Conceptual Plan divides the property into two (2) development tracts: the Commercial Area (adjacent to Hull Street Road, approximately 5.7 acres) and the Residential Area (north of the proposed Amberdale Drive extension, approximately 12 acres). The final boundaries and sizes of tracts will be determined by the exact alignment of the Amberdale Drive extension.

A proffered condition requires all tentative subdivision plans to be submitted for review and approval by the Planning Commission (Proffered Condition 19). The applicant indicates that plan review by the Commission is proposed since there would be no requirement for submittal of a conceptual subdivision plan for this project. It is important to note that the Commission's review of the tentative plan will be based on zoning conditions and requirements of the Subdivision Ordinance.

Residential Area:

Uses permitted by right or with restrictions in the Residential Townhouse (R-TH) District to include attached and detached single family dwellings are proposed in this area (Textual Statement III.A). The developer indicates that this project will be developed like the adjacent Amberleigh development. In addition, residential units within this area would conform to the requirements of the Residential Townhouse District (R-TH) Zoning District unless otherwise provided for in the Textual Statement relative to setbacks, the provision of curb and gutter, group and row design, fencing, recreational area and building height (Textual Statement III.B).

Textual Statement III.D. requires the architectural treatment of dwelling units to be similar to the elevations and list labeled as Exhibit A. (Attachment)

Commercial Area:

The portion of the property designated as Commercial Area could be developed for Community Business (C-3) uses (Textual Statement IV.A). Staff does not support the proposed commercial uses along Hull Street Road. Only convenience commercial uses (C-1 uses) are suggested to be appropriate by the Plan and only when such uses are: supportive of, and integrated within, office or residential projects; not located along the periphery of a project; and, where they are designed to be compatible with surrounding residential development.

Development of this area would be required to meet the Zoning Ordinance requirements for development within an Emerging Growth District area, except for parking and street lighting (Textual Statement IV.B). The purpose of the Emerging Growth District standards is to promote high quality, well-designed projects. These standards address access landscaping, architectural treatment, setbacks, signs, buffers, utilities and screening of dumpsters and loading areas.

The request property is also located within that portion of Hull Street Road subject to the requirements of the Zoning Ordinance for the Route 360 Highway Corridor District's

Rural Transition Zone. Within the Rural Transition Zone, special development standards would apply to any nonresidential development on the request property. These standards require special landscaping within parking areas; an architectural style compatible with surrounding residential neighborhoods; and, architectural treatment of buildings, including materials, color and style, so they are compatible with buildings located within the same project or within the same block or directly across any road. At the time of site plan review for any development on the request property, consideration must be given to how these requirements, as they apply to this site, would be accomplished.

In an attempt to create a development that meets the spirit and intent of the Route 360 Corridor Design Guidelines, the applicant has agreed to limit the size of buildings in the C-3 portion of this development. (Proffered Condition 8)

Cluster Standards for the Residential Area:

The requirements offered for the project to provide sidewalks, hardscaped driveways, street trees, open space and setbacks for front loaded garages are consistent with those typically required by the Planning Commission and Board of Supervisors on similar projects recently approved where exceptions to Ordinance development standards are requested (Proffered Conditions 11 and 12 and Textual Statement II.A, B and III.G); however, the proposal fails to provide a minimum of 0.75 acre of open space to create a focal point for the residential development which is typically offered within these “cluster” projects. Incorporating a focal point into the site design will advance the Plan’s suggestion that higher quality site amenities are important for residential projects proposed in this area.

Residential Density:

Proffered Condition 17 limits residential development to a maximum of fifty (50) dwelling units on that portion of the property designated as the Residential Area (approximately twelve (12) acres) yielding a density of approximately 4.16 units per acre.

Recreational Areas:

Active and passive recreational uses to serve the proposed residential development would be permitted throughout the development. Proffered Condition 9 would preclude recreational amenities such as playground equipment, play fields or other facilities primarily associated with children’s play.

Buffers and Screening:

The Zoning Ordinance requires a minimum seventy-five (75) foot buffer along the boundary between C-3 and R-TH Zoning Districts. Buffers are designed to provide horizontal distance and open space between certain uses; preserve vegetation; provide transition and separation; and, reduce noise and glare. Since the request property is proposed for rezoning to R-TH with commercial uses permitted by Conditional Use

Planned Development, no buffer would be required by Zoning Ordinance between the proposed commercial and residential uses. There is no requirement offered with this case to maintain any open space to provide a buffer between the commercial and residential uses. Proffered Condition 18 only requires a six (6) foot high brick wall to be constructed on the north side of the Amberdale Drive extended right of way. The proffer provides that the wall will be of the same design and materials as the existing wall within the Amberleigh development but fails to reserve any open space adjacent to this wall to establish a buffer area and fails to provide any landscape plantings to soften the view of the wall and aid in screening between the commercial and residential uses. Staff agreed that appropriate transition was being provided in the Amberleigh development with the requirement for a variable width buffer (ranging from twenty (20) feet to fifty (50) feet in width) between the commercial and residential uses, the six (6) foot high brick wall and landscape plantings at a density of 1.5 times Perimeter Landscape C. As previously noted, with this case, only the wall is guaranteed, therefore an appropriate transition will not be achieved.

Construction Activity:

Proffered Condition 10 limits timing of exterior construction activity. Staff recommends this condition not be accepted. It will be difficult, if not impossible, to enforce.

CONCLUSIONS

While the residential uses proposed at a density of approximately 4.16 dwelling units per acre complies with the recommendations of the Route 360 Corridor Plan, the commercial uses fail to comply with the Plan. Further, the proposal fails to provide a minimum of 0.75 acre of open space to create a focal point at the entrances for residential development which is typically offered within these “cluster” projects and which would provide for higher quality site amenities as the Plan suggests is important for residential projects proposed in this area.

The commercial uses fail to comply with the Plan which suggests that commercial uses should be limited to the east with transitional uses on the request property so as to minimize typical strip commercial development.

There is no requirement offered with this case to maintain any open space to provide a buffer between the commercial and residential uses. Only a six (6) foot high brick wall to be constructed on the north side of the Amberdale Drive extended right of way is guaranteed, therefore, the proposal fails to provide an adequate transition between the residential and commercial areas.

CASE HISTORY

Planning Commission Meeting (8/21/07):

On their own motion, the Commission deferred this case to their September 18, 2007, public hearing.

Staff (8/22/07):

The applicant was advised in writing that any significant, new or revised information should be submitted no later than August 27, 2007, for consideration at the Commission's September meeting.

Staff (9/10/07):

To date, no new or revised information has been received.

Applicant (9/18/07):

An additional proffered condition was submitted.

Planning Commission Meeting (9/18/07):

The applicant did not accept the Staff's recommendation, but did accept the Planning Commission's recommendation. The applicant submitted an additional proffered condition.

There was support present indicating that the proposal represents desired quality development for the Route 60 Corridor.

Mr. Gecker expressed concerns that the proffers preclude use of Ladino Lane even if Ladino Lane is improved in the future. The applicant indicated that Amberdale Drive Extension will replace Ladino Lane, but agreed to consider amendments prior to the Board meeting to address the concerns.

Mr. Gulley indicated the proposal represents an extension of the Amberleigh development, a quality project.

On motion of Mr. Gulley, seconded by Mr. Bass, the Commission recommended approval and acceptance of the proffered conditions on pages 2 through 4.

AYES: Messrs. Gecker, Gulley, Bass and Wilson.

ABSENT: Mr. Litton.

The Board of Supervisors, on Wednesday, October 24, 2007, beginning at 6:30 p.m., will take under consideration this request.

TEXTUAL STATEMENT

Amberleigh Section 4

CASE 07SN0365

May 14, 2007

Revised July 21, 2007

Revised August 6, 2007

Revised August 10, 2007

- I. Rezone from R-TH with a Conditional Use Planned Development to R-TH with a Conditional Use Planned Development ("CUPD") to permit use and ordinance requirement exceptions.

II. General Conditions

- A. Sidewalks. A sidewalk shall be provided along both sides of roads and drives that accommodate general traffic circulation through the development. Sidewalks shall also be provided to other uses within the project such as the commercial and recreational areas. The exact design, treatment and location of the sidewalks shall be approved by the Planning Department at the time of plan review.
- B. Street Trees. Street trees shall be retained or installed along both sides of any roads and drives that accommodate general traffic circulation through the development. The Planning Department, at the time of plan review, shall approve a conceptual landscaping plan. The exact location, spacing, size and species of plantings shall be approved by the Planning Department in conjunction with plan approval.

III. Residential Area

- A. Uses. Uses permitted shall be limited to those uses permitted by right or with restrictions in the Residential Townhouse (RTH) District.
- B. Development shall conform to the requirements of the Residential (RTH) District except as follows:
 - i. Yards. No building shall be located closer than five (5) feet to the property line which is adjacent to any road which is designed to accommodate general traffic circulation through the development nor closer than five (5) feet to any other property line where units are not attached.
 - ii. Drives and Parking Areas.
 - a.) Concrete curb and gutter shall be installed along the drives, roads and parking areas that accommodate general traffic circulation through the development. (NOTE: This condition will not require installation of curb and gutter along driveways serving individual buildings unless necessary for proper drainage, as determined by Environmental Engineering.)

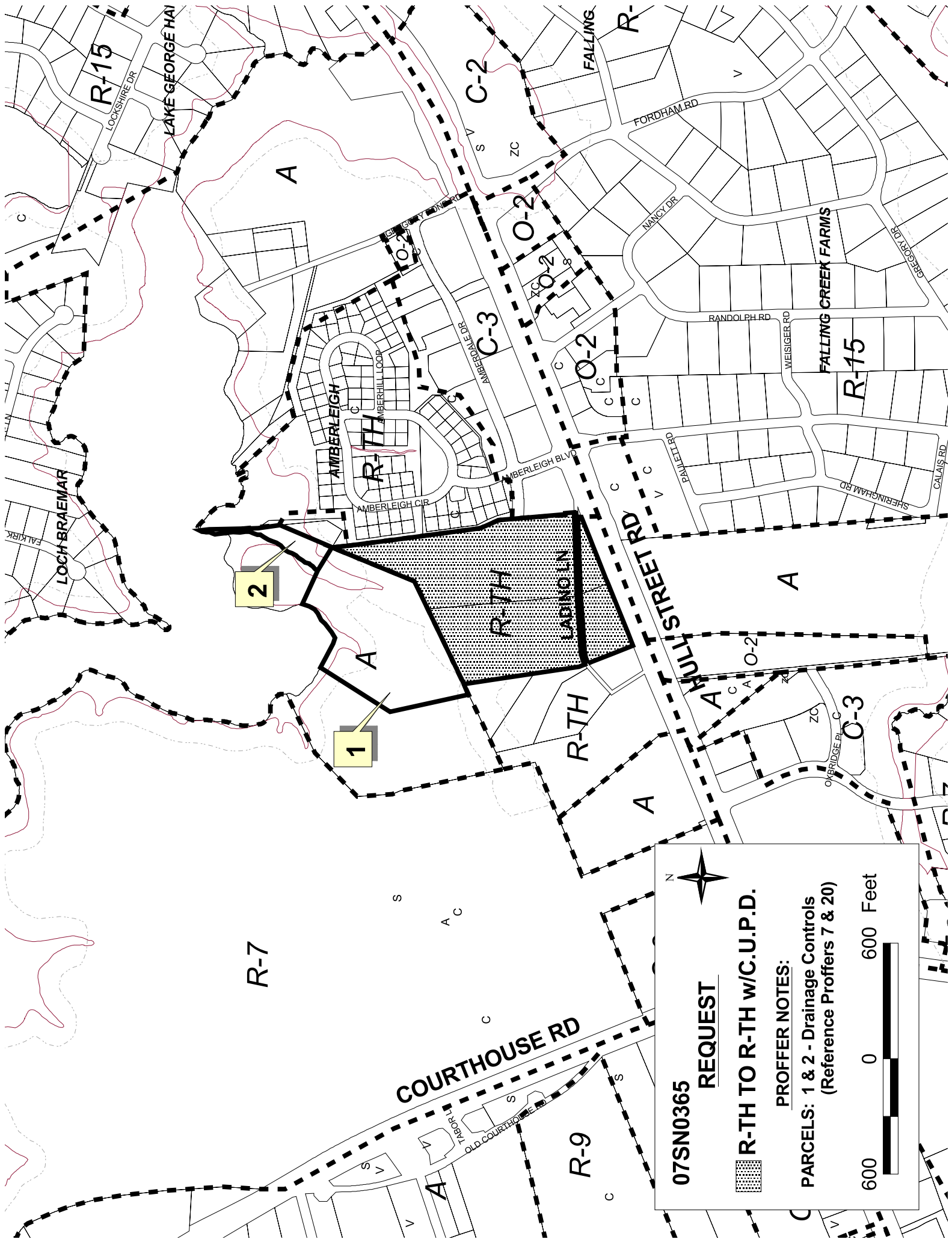
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- b.) The required parking areas shall not have a required setback to any right of way of an existing or proposed public road.
- C. Group or row design.
 - i. The maximum number of attached units shall be four (4).
 - ii. If units are attached, variation in setbacks from rights of way shall be achieved through recessing a portion of each dwelling facing the right of way in lieu of varying the setback of each unit.
- D. Architecture. The architectural treatment of dwelling units, including materials and style, shall be similar to the elevations and list labeled as Exhibit “A”.
- E. Fence Height Exception. Any fence located in any yard shall not exceed a height of seven (7) feet.
- F. Dwelling Unit Height. Dwelling units shall not exceed a height of two (2) stories or thirty (30) feet, whichever is less.
- G. Recreational Area. Recreational uses shall be limited to uses that primarily serve the surrounding residential community including but not limited to passive recreation (i.e. picnic areas, trails, paths, sidewalks, ponds, open space, and vistas)

IV. Commercial Area


- A. Uses. Uses permitted shall be limited to those uses permitted by right or with restrictions in the Community Business (C-3) District.
- B. Development shall conform to the Emerging Growth requirements except as follows:
 - i. Parking. The required number of parking spaces may be reduced by ten (10) percent. Improved designated parking spaces in a public right of way may be counted toward the required number of parking spaces when more than one-half of each such space adjoins the site.
 - ii. Streetlighting. Streetlighting shall be provided along both sides of the east/west special access street. Streetlight fixtures, poles and lamp types shall be consistent with the existing Amberleigh development. Selected streetlights shall be of a design in keeping with the small scale, pedestrian-oriented character of a village. Final selection shall be made prior to site plan approval. Fixture mounting heights shall be at a human scale. The exact height and spacing shall be determined at the time of site plan review.

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REQUEST

 R-TH TO R-TH w/C.U.P.D.

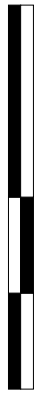
PROFFER NOTES:

PARCELS: 1 & 2 - Drainage Controls
(Reference Proffers 7 & 20)

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